

**REMARKS**

This is a reply to the Office Action mailed July 19, 2007. Applicant thanks the Examiner for carefully considering the present application.

**Oath or Declaration**

The oath or declaration was objected to as the mailing address of the inventor was not identified. Applicant hereby submits a Supplemental Application Data Sheet under 37 CFR 1.67(a)(3) and in accordance with 37 CFR 1.76(c) to correct the omission of a mailing address of the inventor.

**Drawings**

Figures 4 and 5 are objected to for lacking a bracketing. By way of this Reply, Figures 4 and 5 have been responsively amended as reflected in the attached Replacement Sheet. Accordingly, withdrawal of the objection to Figures 4 and 5 is respectfully requested.

Figures 6, 9 and 10 are objected to for failing "to show the lines of the joints which would be visible on the top." This objection is respectfully traversed because in Figure 6, the lines of the joints are not clearly visible because of the markings 4 on the top, and in Figures 9 and 10, the lines of the joints are not clearly visible as a result of shuffling and cutting in accordance with embodiments of the claimed invention, as further explained below. Accordingly, withdrawal of the objection to Figures 6, 9 and 10 is respectfully requested.

Figure 8 is objected to for appearing to be identical to Figure 7. This objection is respectfully traversed because Figure 8 should be viewed together with Figures 9 and 10 as one of the sequences of shuffling and cutting the wood slats. Thus, Figure 8 is not "Prior Art" per se. Accordingly, withdrawal of the objection to Figure 8 is respectfully requested.

### **Status of Claims**

Before entry of this Amendment, claims 7, 8, 10, 12-13, 15-17 and 20-28 were pending. By way of this reply, claim 8 has been canceled. Thus, Claims 7, 10, 12-13, 15-17 and 20-28 are currently pending. Claims 7, 13, 22 and 23 are independent.

### **Claim Amendments**

Claim 8 has been canceled without prejudice or disclaimer.

Independent claims 7 and 13 have been amended to include the limitations of canceled claim 8.

Independent claims 7 and 13 have been additionally amended to clarify that the joining marks result from rejoining shorter blocks or wood to form the bulk section.

Independent claim 22 has been amended to clarify that the second manufactured wood slats is the finished wood slat.

Claims 10, 12, 16, 22, 23 and 26-28 have been additionally amended to correct minor informalities.

No new matter has been added by way of these amendments.

### **Claim Objections**

Claims 20 and 21 are objected to for improper dependency. This objection is respectfully traversed. Claims 20 and 21 depend from claims 7 and 13, respectively. Claims 7 and 13 each require, in part, the second parallel planes being generally transverse to the first parallel planes. The phrase “transverse,” as defined in the Merriam-Webster Dictionary for example, should be construed as “being across.” Thus, claims 7 and 13 should be construed as requiring the second parallel planes being generally across, i.e., non-parallel to, the first parallel planes. Claims 20 and 21 further limit the “transverse” to be “perpendicular,” and thus properly depend from claims 7 and 13, respectively. Accordingly, withdrawal of the objection to claims 20 and 21 is respectfully requested.

### **Rejections under 35 U.S.C. 112**

Claims 8, 10, 12 and 23-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. By way of this Reply, claim 8 has been canceled, and all the independent claims have been responsively amended as explained above and as further discussed below. To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed.

The instant Office Action asserts that the additional steps of rejoicing and cutting it in a transverse plane cannot hide these joins. Applicant respectfully disagrees. The independent claims as amended simply require that “joining the face planes of the first slats *in an order different than the first order, ...*” such that “the joining marks are

substantially hidden in the wood slat" resulting from cutting in a transverse plane the shuffled first slats. The claims do not specifically require how to join "the face planes of the first slats *in an order different than the first order.*" However, as known to those of ordinary skill in the art, many ways of shuffling the order of the first slats exist. The claims require that after shuffling and re-cutting in a transverse plane the joining marks can be substantially hidden.

In view of the above, all the independent claims as amended comply with the enablement requirement. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 22-28 are additionally rejected under 35 U.S.C. 112, second paragraph, as being indefinite. By way of this Reply, claims 22-28 have been responsively amended as explained above and are now definite. More specifically, the instant Office Action asserts that it is unclear if a finished slat is claimed or first and second manufactured slats are. As clarified through the claim amendments, one or more of the finished slats, i.e., the second manufactured slats, are claimed. Accordingly, withdrawal of the rejection is respectfully requested.

#### **Rejections under 35 U.S.C. 102 (b)**

Claims 7, 8, 10, 12, 13, 15-17 and 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 947,001 ("Kertscher," mistyped as "Kertcher" in the instant Office Action). By way of this Reply, the independent claims have been

amended as explained above. To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed.

The claimed invention is directed wood product with hidden joined markings. A bulk section of wood resulting from rejoining shorter blocks of wood have undesirable joining marks appearing in a face plane. By slicing the bulk section of wood along first parallel planes in a successive first order to form a plurality of first slats each having a face plane, joining the face planes of the first slats *in an order different than the first order* (e.g., shuffle the first slats) to create a new bulk section in the form of a laminate, and cutting the new bulk section along second parallel planes to form the wood slat, the second parallel planes being generally transverse to the first parallel planes, embodiments of the invention advantageously achieve wood slats in which the joining marks are substantially hidden.

By contrast, Kertscher fails to show or suggest at least the claimed “joining the face planes of the first slats *in an order different than the first order*,” and then “cutting the new bulk section along second parallel planes” as required by amended independent claims 7 and 13. When making the rejection, the instant Office Action appears to have failed to read in the limitations of claim 8, particularly “wherein the first bulk section of wood has joining marks that appear in the face planes of the first slats and that are substantially hidden in the wood slat,” which limitations are now included in the amended independent claims. Thus, all the independent claims are patentable over Kertscher for at least these limitations adapted from claim 8 (now cancelled).

More specifically, Kertscher is completely silent with respect to “joining marks” resulting from rejoining shorter blocks or wood to form the bulk section as required by amended independent claims of the present application. Kertscher is additionally silent with respect to “rejoining the plurality of individual wood pieces in a different order to form a new bulk section” as also required by amended independent claims 7 and 13.

Without any joining marks in the starting bulk section of wood shown in Fig. 1, it is not surprising that Kertscher does not intend to hide such marks. Thus, it is not surprising that from Fig. 1 to Fig. 3, Kertscher does not rejoin the wood pieces “*in a different order*” as claimed. Indeed, the boards in Fig. 1 are clearly marked with certain orders, “a, b, c, d, e, ...,” such order being preserved in the step of cutting in a perpendicular direction in Fig. 3.

Regarding the assertions made in the instant Office Action with respect to the product-by-process claims, Applicant further respectfully submits that the claimed product results from a bulk section of wood having undesirable joining marks, such joining marks being “substantially hidden” in the finished wood slat. As known to those of ordinary skill in the art, being “substantially hidden” does not mean that traces indicating the original joining marks are non-existent. By contrast, Kertscher clearly shows that there are no joining marks in the first place. Accordingly, the finished product of Kertscher has no traces whatsoever of such joining marks.

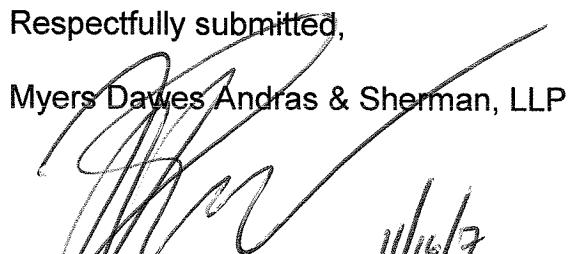
In view of the above, Kertscher fails to show or suggest the claimed invention as recited in independent claims 7, 13, 22 and 23. Thus, these independent claims are patentable over Kertscher for at least the reasons discussed above. Dependent claims

are allowable for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Applicant encourages the Examiner to telephone the undersigned attorney or his associates if it appears that a telephone conference would facilitate allowance of the application.

Respectfully submitted,

Myers Davies Andras & Sherman, LLP

  
Kenneth L. Sherman, Reg. No. 33,783  
**19900 MacArthur Boulevard, 11th Floor**  
Irvine, CA 92612  
Tel: (949) 223-9600  
Fax: (949) 223-9610  
Customer No. 23386  
11/16/07